

07 cv 0031

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)**

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**1. CAPTION OF ACTION**

*Jury Trial Demanded*

**A. Full Name of Plaintiff:** NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

*Aimee Lynn O'Neil*

-vs-

**B. Full Name(s) of Defendant(s)** NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. *Cornerstone Homes*

2. *City of Geneva*

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

*All of these sections **MUST** be answered*

*Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.*

**A. Basis of Jurisdiction in Federal Court:**

*This claim presents a federal question of the law*

*State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.*

**B. Reason for Venue in the Western District:**

*The defendants reside in the 17 westernmost counties of NY state*

*Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.*

**C. Nature of Suit:**

*personal property tort claim*

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### 3. PARTIES TO THIS ACTION

**PLAINTIFF'S INFORMATION NOTE:** To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Aimee O'Neil

Present Address: 55 N. Exchange St  
Geneva, N.Y. 14456

Name of Second Plaintiff: \_\_\_\_\_

Present Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION NOTE:** To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Cornerstone Homes

Official Position of Defendant (if relevant): \_\_\_\_\_

Address of Defendant: 11801 Harrington Dr.  
Corning, N.Y. 14830

Name of Second Defendant: City of Geneva

Official Position of Defendant (if relevant): \_\_\_\_\_

Address of Defendant: 47 Castle St.  
Geneva, N.Y. 14456

Name of Third Defendant: \_\_\_\_\_

Official Position of Defendant (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_\_ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

\_\_\_\_\_ Dismissed (check the statement which indicates why it was dismissed):\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

**5. STATEMENT OF CLAIM**

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) On June 15, 2005,  
defendant (give the **name and (if relevant) the position held** of each defendant involved in this incident) \_\_\_\_\_

I was sold a home with a store attached to it. Immediately after

did the following to me (briefly state what each defendant named above did):

purchasing the residence of 55 W. Exchange St. Geneva, N.Y. 14456

I was instructed I was unable to open my consignment store when I was told by the city of Geneva I wouldn't have a problem or I didn't require any special permission to do so. I needed this business to pay the mortgage, by not opening the store I have been delinquent on my bills.

The federal basis for this claim is:

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I am requesting the courts appoint me legal counsel to negotiate a settlement on my behalf.

**B. SECOND CLAIM:** On (date of the incident) On or about 1-17-06

defendant (give the name and (if relevant) position held of each defendant involved in this incident)

the city of Geneva stated the road I reside on is expanding and I need to tear down the

addition or the major part of the residence; a former tv. repair shop. Both the city of Geneva and Cornerstone Homes failed to disclose this information to myself prior to purchasing the residence.

The federal basis for this claim is: Fraud

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I am requesting that the courts order both Cornerstone and the City of Geneva to disclose when the road expansion was decided and why I was lied to about the

If you have additional claims, use the above format to set them out on additional sheets of paper.

Expansion.

**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

I am requesting a award of \$75,000  
in damages for the loss of merchandise,  
delinquent debts, and the fact I would have  
purchased a home elsewhere if both agencies  
had been honest with myself.

Do you want a jury trial? Yes ☒ No ☐

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 1/14/07  
(date)

**NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.**

Shirley O'Neil

Signature(s) of Plaintiff(s)